

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 13-cv-03285-RM-KMT

JENSEN FARMS, a Colorado partnership,

Plaintiff,

v.

PRIMUS GROUP, INC., a California corporation d/b/a PRIMUSLABS,

Defendant.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

“Plaintiff’s Motion for Remand, Pursuant to 28 U.S.C. § 1447(c)” (Doc. No. 35, filed April 4, 2014) is DENIED without prejudice. As the case is postured, there has been no substitution of the plaintiff and, thus, this Court has subject matter jurisdiction.

On or before January 15, 2015, Plaintiff may, after conferral with Defendant, file a renewed motion to substitute parties and to dismiss Plaintiff Jensen Farms. If Plaintiff files a renewed motion, however, the parties, in their briefing on the motion, must address the issues District Judge Raymond P. Moore ordered them to address in his Order of January 23, 2013 (Doc. No. 26), including whether the proposed substituted plaintiffs listed as “estates” are, in fact, the estates or the personal representatives of such estates; (ii) if the estates are the proposed plaintiffs, why the action should be brought in the names of the various estates as opposed to the names of their respective personal representatives; and (iii) whether diversity jurisdiction will be destroyed upon the substitution of the parties under Fed. R. Civ. P. 25(c) and 28 U.S.C. § 1447(e).

Dated: December 16, 2014